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HOUSE BILL 350

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO TRANSPORTATION; AUTHORIZING THE DEPARTMENT OF
TRANSPORTATION TO DONATE SURPLUS PERSONAL PROPERTY OR MATERIALS
TO LOCAL GOVERNMENT ENTITIES IN THE STATE IN CERTAIN
CIRCUMSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 67, Article 3 NMSA
1978 is enacted to read:

"[NEW MATERIAL] DISPOSITION OF SURPLUS PERSONAL PROPERTY
OR MATERIALS.--

A. The department may donate available surplus
personal property or materials to a local government entity to
repair damage to public roads, highways and bridges in New
Mexico resulting from natural or man-made causes if:

- (1) the request is made by a local government

underscoring material = new
[bracketed material] = delete

1 entity, including a municipality, county, public school or
2 tribal government, that certifies to the department that the
3 local government entity does not have the financial or physical
4 resources to repair sudden and unforeseen damage to a public
5 road, highway or bridge within its jurisdiction;

6 (2) the local government entity certifies that
7 the damage was due to unforeseen natural or man-made causes,
8 including bad weather, an accident or other catastrophic event,
9 and that the damage creates a risk to public safety that
10 requires immediate action;

11 (3) the local government entity certifies that
12 it will use the donated property or materials only for the
13 purpose of making the repairs needed to address the emergency;
14 and

15 (4) the department determines that donation of
16 the personal property or materials will not affect the
17 department's ability to carry out its statutory obligations.

18 B. Upon receipt of a request for aid under this
19 section, the department shall direct the highway district
20 closest to the requesting local government entity to review the
21 district's stores of construction and road maintenance
22 materials to determine whether there is any surplus personal
23 property or materials available to donate to the local
24 government entity to address the emergency.

25 C. If a determination is made that surplus personal

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1 property or materials may be donated, the department shall
2 prepare documentation that:

3 (1) describes the property or materials
4 donated;

5 (2) identifies the amount of property or
6 materials donated; and

7 (3) provides an estimate of the fair market
8 value of the property or materials donated.

9 D. Upon delivery of the property or materials, the
10 department shall obtain a receipt from the representative of
11 the local government entity that evidences delivery pursuant to
12 this section of law.

13 E. Within thirty days of a donation pursuant to
14 this section, the department shall provide a report to the
15 department of finance and administration that includes all
16 certifications and representations made by the local government
17 entity to request a donation of surplus materials, an estimate
18 of the fair market value of the property donated and evidence
19 that the donated property was delivered to and accepted by the
20 requesting local government entity.

21 F. Within thirty days of acceptance of property or
22 materials donated pursuant to this section, a local government
23 entity shall submit a report to the department of finance and
24 administration that certifies that the property was used in
25 conformity with the requirements of this section."

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